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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 DARREL WAYNE VANDERGRIFF,

11 Plaintiff,

12 v.

13 LYNNE DELANO *et al.*,

14 Defendants.

Case No. C06-5381RBL

ORDER DECLINING TO CONSIDER
PLAINTIFF'S MOTION TO COMPEL

15 This action, brought under 42 U.S.C. 2000, has been referred to the undersigned Magistrate
16 Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The plaintiff has been granted leave to proceed *in*
17 *forma pauperis*. On May 21, 2007 plaintiff filed a motion to compel (Dkt. # 56). Ten days later, On
18 May 31, 2007 plaintiff filed a notice of appeal from an order denying him summary judgment (Dkt. #
19 57).

20 Plaintiff's appeal divests this court of jurisdiction to consider motions at this time. Plaintiff
21 may re-note his motion after the appeal has been concluded.

22 The clerks office is directed to send plaintiff and counsel for defendants a copy of this Order.

24 DATED this 18 day of June, 2007.

25 /S/ J. Kelley Arnold
26 J. Kelley Arnold
27 United States Magistrate Judge

28 ORDER - 1